IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 23093 of 2007(Y)

PETITIONER:

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1. THE MANAGER, V.P.K.M.M.H.S,
   PUTHUR, PALLIKAL, MALAPPURAM DISTRICT.

2. MR.SUNIL KUMAR, S/O.GOVINDAN CHETTIAR,
   AMBALIL HOUSE, SIYAMKANDIM, P.O.PALLIKAL,
   MALAPPURAM DISTRICT, PIN:673 637.

BY ADV. SRI.DEVAN RAMACHANDRAN

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
   SECRETARY, GENERAL EDUCATION DEPARTMENT,
   SECRETARIAT, TRIVANDRUM.

2. DIRECTOR OF PUBLIC INSTRUCTION,
   TRIVANDRUM.

3. DEPUTY DIRECTOR OF EDUCATION,
   MALAPPURAM.

4. DISTRICT EDUCATION OFFICER,
   MALAPPURAM.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 23093 OF 2007

Dated this the 27th day of July, 2007

J U D G M E N T

Petitioner No.1 is the Manager of an Aided High School. Petitioner No.2 is the High School Assistant (Malayalam) appointed by him in the said school.

2. It appears that the proposal for approval of appointment of petitioner No.2 was rejected by the controlling officer on the ground that the appointment was made in an anticipated additional post for the academic year in question. Learned counsel submits that the above view taken by the officer is apparently illegal, particularly in view of the dictum laid down by this Court in Ext.P9 judgment. Petitioners have also raised other contentions in support of their plea that appointment of petitioner No.2 is legal and valid.

3. Anyhow, I do not propose to deal with the contentions raised by the petitioners at this stage in view of the limited prayer made by learned counsel for the petitioners at the Bar. He submits that petitioners have preferred Ext.P10 revision petition before respondent No.1 against the order passed by respondent No.2, in which they have highlighted all the relevant

aspects of the case. The limited prayer is to issue a direction to respondent No.1 to take a decision on Ext.P10 expeditiously. Learned Government Pleader submits that if Ext.P10 has been preferred, as contended by the petitioners, an appropriate decision thereon will be taken without any delay.

In the above facts and circumstances, the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P10 strictly on its merit and in accordance with law, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. Respondent No.1 shall also keep in view Ext.P9 judgment while taking the decision. Respondent No.1 shall ensure that petitioners are afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioners shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007